IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 19454 of 1999

Between:

1. M.V.Ramana , S/o. Maha Lingam, C/o. 18-3-61/A/7, Santhinagar,

Kadhi colony, Tirupathi-517 501, Chittoor Dist.

2 P.Venkat Reddy, S/o. Murali Guruva Reddy,C/o. 18-3-61/A/7, Santhinagar, Kadhi colony, Tirupathi-517 501 , Chittoor Dist.

3 P.Siva Subramanyam, S/o. P.Laxmaiah, C/o. 18-3-61/A/7,Santhinagar,Kadhi Colony, Tirupati – 517 501, Chittoor Dist.

..... PETITIONERS

AND

1 Tirumal Tirupathi Deavesthanam, rep.by it's Executive Officer Tirupathi Chittoor Dist.
2 The Estate Officer, Tirumal Tirupathi Deavesthanam, Tirupathi , Chittoor Dist.
3 The General Manager, Tirumal Tirupathi Deavesthanam, Tirupathi, Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction, more particularly one in nature of Writ of MANDAMUS declaring the action of the respondents in not allotting the House Site plots to the petitioners and also passing the order dt.10.6.1999 to the 1st petitioner as wholly illegal, arbitrary and unjust; and consequently direct the respondent to allot the House site plot to the petitioners as per scheme" Own your House Scheme"

; and pass.

Counsel for the Petitioners: MR.G.RAVI MOHAN

Counsel for the Respondents: MR.A.V.SIVAIAH

The Court made the following :

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ORAL ORDER:

The petitioners filed this writ petition by way of writ of mandamus questioning the memo issued by the first respondent in ROC No. Rev.3/8296/99 dated 10-6-1999 negativing their representations on administrative grounds and seeks a direction to the respondents to allot house site plots to them as per the scheme “Own Your House Scheme”.

2. It is stated that the petitioners were initially appointed in the transport department of Tirumala Tirupati Devasthanams(TTD), Tirupati. Pursuant to an agreement entered in between TTD and the Andhra Pradesh State Road Transport Corporation (APSRTC), the transport department of TTD was taken over by the A.P.S.R.T.C in August 1975 along with its buses and its employees including the petitioners in terms of the conditions laid down under Section 25 (F) of Industrial Disputes Act and since then all such employees have become the employees of the APSRTC. The petitioners also originally appointed in TTD and their services have been transferred along with others to the APSRTC. Thereafter, on the representation of certain transport workers, the Government issued G.O.Ms.No. 568, Revenue (ENDTS. III) Department, dated 23-6-1993 granting permission to take back 21 senior drivers from the APSRTC from among the 520 erstwhile TTD transport workers who were transferred to RTC and were still in service.

3. It is stated that in so far as the writ petitioners are concerned, they are also from among the 21 senior drivers whose request has been considered to take back by the TTD from APSRTC under the proceedings of the Executive Officer, Tirumala Tirupati Devasthanam vide Rc.No. TL4/13875/91 dated 11-5-1994. It is further stated that the petitioners and others have given an undertaking that they will

become junior most in the TTD transport department and will not claim any of their previous service seniority except for getting their retiremental benefits like pension, gratuity etc., and they are deemed to have been joined in TTD service on the date of their joining in TTD after the retransfer. The petitioners have repatriated to TTD, Tirupati and rejoined in the TTD transport department on 02-04-1994.

4. It is also stated that the petitioners have made a representation on 24-4-1995 before the respondents herein that originally they are the erstwhile transport workers of the TTD and pursuant to their transfer to APSRTC, they could not apply for the allotment of plots in the TTD and after repatriation, they have made an application for allotment of house sites. But the first respondent passed orders vide his proceedings in ROC No. Rev.3/15970/95 dated 5-7-1995 that the request of the petitioners for allotment of house plots will be considered at an appropriate time as per rules. But, later on, the said request has not been considered and ultimately rejected their representation under the impugned order dated 10-6-1999.

5. During pendency of the writ petition, on 08-10-1999, this court, while issuing notice before admission, directed the respondents to furnish application forms to the petitioners for allotment of house sites. Pursuant to the said interim direction, the respondents have considered the case of the petitioners for allotment of house sites and furnished application forms. Therefore, this court by order dated 07-02-2001 made the following:

> "It is represented that pursuant to the interim direction granted by this court on 08-10-1999, the respondent-TTD has considered the cases of the petitioners for allotment of house sites and furnished application forms. However, it is represented that final allotment has not yet been done. Expedite the hearing of the matter."

6. As per the proceedings of the first respondent, dated 11-05-1994, the petitioners are entitled for the service seniority for the purpose of allotment of house sites from 02-04-1994, on which date they have joined in Tirumala Tirupati Devasthanam and therefore their cases cannot be rejected for allotment of house sites as stated in memo dated 10-06-1999. Though the respondents have already furnished application forms to the petitioners pursuant to the interim direction of this court, the house sites have not been allotted to the petitioners so far.

7. Having regard to the facts and circumstances of the case, the respondents are

directed to consider the case of the petitioners taking into consideration of their seniority from the date of their joining ie., 02-4-1994 in Tirumala Tuirupati Devastaham, pursuant to the directions of this court dated 07-02-2001 for allotment of house sites, if not already been allotted.

6. Writ petition is accordingly disposed of. No costs.

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30-07-2004

Kvrk/dsr

ASSISTANT REGISTRAR

To

1. The Executive Officer Tirumala Tirupathi Devasthanam, , Tirupati,Chittoor District.
2. The Estate Officer, Tirumala Tirupathi Devasthanam, Tirupati.
3. The General Manager, Tirumala Tirupathi Devasthanam,Tirupati.

4. Two CD copies.